

BOARD OF COUNTY COMMISISONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
FEBRUARY 22, 2005
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Thaeli presiding. Present were Commissioners DePuy, Grippa, Proctor, Rackleff, Sauls, and Winchester. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Jennifer Meale.

Invocation was provided by Pastor Tom Underwood of Capital City Christian Church at the invitation of Commissioner Rackleff. It was followed by the Pledge of Allegiance to the Flag led by Commissioner Rackleff.

Awards and Presentations

- Chairman Thaeli continued the presentation of a Resolution Recognizing Kelly Otte on her Retirement After 9 years of Outstanding Community Service as Executive Director of the Refuge House to March 22, 2005 at the Regular Board meeting.
- Chairman Thaeli presented the attached Resolution Designating February 20-26, 2005 as Hazardous Weather Awareness Week. Mr. Chris Floyd accepted the Resolution on behalf of the Capital Area Chapter of the American Red Cross:
- Presentation Regarding the Downtown Pedestrian Connectivity Study and Plan.

Bill Moor, Volunteer Chairman of the Downtown Improvement Authority, provided an overview of the work that has been done and introduced Wendy Grey of Wendy Grey Consulting.

Wendy Grey presented the aspects of the Downtown Tallahassee Pedestrian Connectivity Plan and provided materials outlining the project. Ms. Grey explained that the projects are short term, mid term, or long term. Several of the strategies discussed were Land Use, Transportation, Pedestrian Streetscape, Heritage Interpretation, Pedestrian Plaza, and Wayfinding (signage).

Ms. Marilyn Larson, Director of Downtown Improvement Authority, updated the Board on DIA grant funding requests, stating that DIA has submitted an application that identifies the Wayfinding project as qualifying for enhancement dollars. The Wayfinding project is being put forward for the

2007 fiscal year. The other project is a budget request for appropriation to assist in funding the Capital City Plaza, a community budget issue.

Commissioner Grippa asked how much of DIA's current year budget, \$400,000, remains unencumbered and which project the DIA is funding. Commissioner Grippa opined that many of these projects fall under the City's Public Works Department.

Ms. Larson explained that approximately \$200,000 of the current year budget is unencumbered and the DIA is covering the cost of the Pedestrian Connectivity Plan. She stated that the DIA's budget for next year will be approximately \$200,000.

Commissioner Rackleff asked Commissioner Grippa to clarify his budget concerns since most of the expenditures are DOT funds for enhancements or City funds. He stated that the DIA is a City agency and collects property tax from property owners within the DIA boundaries only.

Commissioner Grippa replied that his understanding of the situation is that the DIA is approaching the CRTPA (Capital Regional Transportation Planning Agency) to ask for an appropriation for enhancement dollars, which are unrestricted and can be used for any enhancement around the County. He stated that if DIA is not talking about coming to the CRTPA, he does not have concerns. Commissioner Grippa wanted to know how this project connects to the Bike Pedestrian Plan.

Ms. Larson explained that the recommendation for the pedestrian/vehicular signage is also included in the Bike Pedestrian Plan, and the DIA is expanding on material that has already gone through the CRTPA review. She explained that enhancement dollars are allocated to do the kinds of improvements the DIA is discussing.

- Commissioner Grippa presented a Resolution Recognizing Mel Eby, Director of "The Shelter," on his Efforts on Behalf of the Homeless

Commissioner Winchester moved, duly seconded by Commissioner Proctor and carried unanimously, 7-0, to direct staff to bring back an agenda item on March 22, 2005 for Board consideration of funding appropriation for The Shelter from the current year's General Contingency Fund, not to exceed \$10,000.

Commissioner Grippa verified with Mr. Eby that the County's first appropriation to the Shelter was a donation of \$40,000 four months ago.

See attached resolution:

Consent

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, 7-0, to approve the Consent Agenda and Add-on Items (Items #1- #31, #43, and #44):

1. Approval of Minutes: December 9, 2004 Special Joint City/County Comp. Plan Amendment Cycle 2005 -1; December 14, 2004 Regular Meeting; January 11, 2005 Regular Meeting; and, January 25, 2005 Regular Meeting

The Board approved Options 1, 2, 3, and 4: 1) Approve the minutes for the December 9, 2004 Special Joint City/County Comp. Plan Amendment Cycle 2005 -1; 2) Approve the minutes for the December 14, 2004 Regular Meeting; 3) Approve the minutes for the January 11, 2005 Regular Meeting; 4) Approve the minutes for the January 25, 2005 Regular Meeting.

2. Approval of Bills and Vouchers Submitted for February 22, 2005, and Pre-approval of Bills and Vouchers Submitted for February 23 through March 21, 2005

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for February 22, 2005, and pre-approve payment of bills and vouchers for the period February 23 through March 21, 2005: \$1,582,803.57

3. Acceptance of Staff Report on the 2/3-2/3 Special Assessment Paving Program and Consideration to Establish Private Market Financing for Future Districts

The Board approved Options 1 and 2: 1) Accept staff's report on the 2/3-2/3 Special Assessment Paving Program; 2) Authorize staff to work with the County's Financial Advisor in establishing a line of credit for future 2/3-2/3 special assessment paving projects.

4. Approval of the Continuity of Operations Plan, Terrorism Annex, and Comprehensive Emergency Management Plan and Exercises Subcontract with ICF Incorporated in the Amount of \$121,653

The Board approved Option 1: Approve the Subgrant Contract with ICF Incorporated in the amount of \$121,653 to develop a new Continuity of Operations Plan (COOP), update the Leon County Terrorism Annex, update the Leon County Comprehensive Emergency Management Plan,

and conduct exercises to test these plans, and authorize the Chairman to execute.

5. Approval of Training Subgrant Contract with disaster Strategies and Ideas Group, LLC in the Amount of \$29,758

The Board approved Option 1: Approve the Subgrant Contract with Disaster Strategies and Ideas (DSI) Group, LLC in the amount of \$29,758 for training and authorize the Chairman to execute.

6. Approval to Issue Request for Proposals (RFP) for Tourist Development Council Advertising and Public Relations Services

The Board approved Options 1 and 2: 1) Approve the issuance of a Request for Proposal for Advertising Services for the Tourist Development Council; 2) Approve the issuance of a Request for Proposal for Public Relations Services for the Tourist Development Council.

7. Approval of Proposed Articles of Incorporation and Bylaws for Leon County's Community Centers and Recreation Councils

The Board approve Option 1: Approve the Articles of Incorporation and Bylaws for each Community Center and Recreation Council which provides for conversion to the Community Centers and Recreation Councils to separate and independent Non-profit Status 501(c) Corporations.

8. Approval of an Interlocal Agreement Between the City of Tallahassee and Leon County Regarding the Creation and Operation of a Watershed Protection Plan

The Board approved Option 1: Approve the proposed Interlocal Agreement as amended.

9. Request to Schedule a Workshop on Leon County Emergency Medical Services for May 24, 2005 at 12:30 – 2:00 p.m.

The Board approved Option 1: Schedule a workshop on Leon County Emergency Medical Services for May 24, 2005 at 12:30 to 2:00 p.m.

10. Consideration to Waive the Emergency Medical Services (EMS) Fee for Providing Ambulance Service for the Red Hills Horse Trials Event

The Board approved Option 1: Waive the Emergency Medical Service fee of \$7,600 for dedicated ambulance and medical services for the 2005 Red Hills Horse Trials Event.

11. Approval of Continuing Supply Agreement to G. Willie's Uniforms for Emergency Medical Services Uniforms

The Board approved Option 1: Approve award of bid and Continuing Supply Agreement to G. Willie's Uniforms for Emergency Medical Services uniforms and authorize the Chairman to execute the contract.

12. Approval to Issue a Request for Proposals (RFP) for an Automated Vehicle Location System

The Board approved Options 1 and 2: 1) Approve the issuance of the Request for Proposal (RFP) for AVL System; 2) Waive Local Preference Ordinance requirement.

13. Approval to Renew Agreement Between Leon County and Tallahassee Community College for the Emergency Medical Services Internship Program

The Board approved Option 1: Approve the renewal of the Agreement between Leon County and the Tallahassee Community College Emergency Medical Services Technology Program for an intern program and authorize the Chairman to execute.

14. Request to Schedule a Public Hearing on a Proposed Amendment to Chapter 10, Land Development Code, Code of Laws of Leon County Regarding Regulations of Conservation Subdivisions on Tuesday, March 22, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only Public Hearing for Tuesday, March 22, 2005 at 6:00 p.m.

15. Authorization to Submit the "Let's Read Together" Grant Application to the State Library and Archives Division

The Board approved Option 1: Authorize staff to submit the "Let's Read Together" Grant Application and approve the in-kind County match of \$8,255.

16. Request to Schedule the First and Only Public Hearing to Adopt a Proposed Ordinance Amending Chapter 11, Article XVII, Section 11-531, of the Code of Laws of Leon County, Entitled "Creation of Health Care Advisory Board" for Tuesday, March 22, 2005 at 6:00 p.m.

The Board approved Option 1: Authorize staff to schedule the first and only public hearing to adopt a proposed Ordinance amending Chapter 11,

Article XVII, Section 11-531 of the Code of Laws of Leon County, entitled "Creation of Health Care Advisory Board" for March 22, 2005, at 6:00 p.m.

17. Approval for the Reclassification of Position in Management Information Systems

The Board approved Option 1: Approve the reclassification of an OPS position in MIS to a Career Service position (Computer Support Specialist II, pay grade 85).

18. Approval of Agreement Awarding Bid to Mike Harrell Roofing, Inc. for the Re-roofing of the Agriculture Center Building

The Board approved Option 1: Approval of Agreement awarding bid to Mike Harrell Roofing, Inc., for re-roofing of the Agriculture Center Building, in the amount of \$77,742 and authorize the Chairman to execute.

19. Authorization to Modify the Byrne Memorial Grant's Enhanced Probation Program

The Board approved Option 1: Approve the modification of the Enhanced Pretrial/Probation Program III-Byrne Memorial Grant and authorize the Chair to sign the Grant amendment letter.

20. Acceptance of the 2003-2004 Contractors' Licensing and Examination Board Annual Report

The Board approved Option 1: Accept the Contractors' Licensing and Examination Board 2003-2004 Annual Report.

21. Acceptance of the 2004 Board of Adjustment and Appeals Annual Report

The Board approved Option 1: Accept the Board of Adjustment and Appeals 2004 Annual Report.

22. Acceptance of a Conservation Easement for the Richard R. and Nora N. Jackson Limited Partition Project

The Board approved Option 1: Approve and accept for recording the Conservation Easement for the Richard R. and Nora Nell Jackson LP project.

23. Acceptance of Three Conservation Easements

The Board approved Option 1: Approve and accept for recording the three conservation easements: (Grantors are: Abiaka Group (Tower Road),

LLC (for the Gardner Warehouse project); Hartsfield Development, LLC (for the Shire Ridge At Moccasin Gap Subdivision project); Presbyterian Retirement Communities, Inc., (for the Westminster Oaks University Village project).

24. Ratification of the February 8, 2005 Workshop on the Final Tharpe Street Corridor Study

The Board approved Options 1, 2, and 3: 1) Ratify the actions of the February 8, 2005 Tharpe Street Corridor Study Final Engineering Report, Design Alternatives and Citizen Advisory Committee Final Report Workshop; 2) Direct the County Attorney's Office to develop a workshop on innovative techniques for acquiring rights-of-way that will reduce the overall cost of the rights-of-way portion of our transportation projects; 3) Authorize the Public Works Department to enter into fee negotiations with Kimley Horn and Associates for the engineering design phase of the Tharpe Street project.

25. Authorization to Accept Bids Submitted for Purchase of Lots 1 and 2 of Mabry Manor, Unit 2, and Lot 32, Block B, of Plantation Woods, and Reject the Bids Submitted for Lot 16, Block A, of Wescott Terrace

The Board approved Options 1, 2, and 3: 1) Accept high bids for Lots 1 and 2, Mabry Manor, Unit 2, and Lot 32, Block B, Plantation Woods Unrecorded; 2) Reject the bids for Lot 16, Block A, Wescott Terrace; 3) Authorize the Chairman to sign necessary documents to effect sales.

26. Approval of Resolution and County Incentive Program Agreement Between Leon County and the Florida Department of Transportation (FDOT) for Design of a Continuous Right Turn Lane on North Monroe Street from John Knox Road to Interstate 10

The Board approved Option 1: Approve the attached Resolution R05- and County Incentive Program Agreement between Leon County and the Florida Department of Transportation for design of a continuous right turn lane on North Monroe Street from John Knox Road to Interstate 10:

27. Acceptance of an Authorization to Record the Deed for Perpetual Easement for the Oakhill Farms Unit III 2/3 Paving Project and Request to Schedule the First of Two Public Hearings on Tuesday, March 22, 2005 at 6:00 p.m.

The Board approved Options 1 and 2: 1) Accept and authorize recording of the Deed for Perpetual Easement for the Oakhill Farms, Unit III, 2/3 paving project; 2) Schedule the first of two public hearings for Tuesday, March 22, 2005 at 6:00 p.m.

28. Approval of Agreement Awarding Bid to Russell Daniel Irrigation Company for Installation of the Apalachee Regional Park Irrigation

The Board approved Option 1: Approve the Agreement awarding the bid to Russell Daniel Irrigation Company in the amount of \$58,857 for the installation of the Apalachee Regional Park Irrigation System and authorize the Chairman to execute.

29. Acceptance of Status Report on Canopy Road Designation for Highland Drive

The Board approved Option 1: Accept status report on Canopy Road Designation for Highland Drive and do not schedule a public hearing to designate Highland Drive a Canopy Road.

30. Approval of the Final Plat, Performance Agreement, and Performance Bond for Bannerman Corner Commercial Subdivision

The Board approved Options 1 and 2: 1) Approve the recording, in the public records, of the plat of Bannerman Corner Commercial Subdivision; 2) Accept the Performance Bond in the amount of \$25,000, and authorize Chairman to execute the Performance Agreement for completion for the stormwater infrastructure.

31. Approval of and Execution of Maintenance Obligation Agreement and Access Easement and Maintenance Agreement for Bannerman Corner Commercial Subdivision

The Board approved Options 1 and 2: 1) Approve and execute the Maintenance Obligation Agreement for Bannerman Corner Subdivision; 2) Approve and execute the Access and Parking Easement and Maintenance Agreement for Bannerman Corner Subdivision.

Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

General Business

32. Authorization to Proceed with the Advance Refunding of Outstanding Capital Improvement Revenue Bonds and Authorize the Issuance of Additional Bond Proceeds for Existing Capital Projects

This item seeks to authorize staff to proceed with the advance refunding of a portion of the County's 1997, 1998, and 1999A Capital Improvement

Revenue Bonds, and authorize the issuance of additional bond proceeds for existing capital projects.

County Administrator Alam recommended refinancing bonds since market conditions are such that if the County refinanced its existing bonds, the County would receive \$1.7 million. He defined the County's financial needs and considerations that have not been funded nor budgeted as follows: \$4.5-8 million for either the purchase and renovations of an existing building or construction of a new building for GEM, \$2.4 million to complete the Apalachee Branch Library, and \$6 million for Courthouse renovations. County Administrator Alam stated that the estimated cost for these projects is between \$13-16 million, and staff recommends that the County secure new monies or a new bond for \$15 million. He explained that the debt service on these new bonds would be approximately \$500,000 per year and the County's existing budget would be able to take care of that debt.

Board discussion ensued over Commissioner Proctor's request to consider allocating \$400,000 for the Woodville Community Center. It was noted that the initial funding was \$200,000, and an additional \$334,000 was appropriated at the last meeting for the project. The current funding for the Woodville Community Center is \$1,060,000.

Commissioner Grippa inquired about issuing a new RFP to look at minority firms for the County's primary bond underwriting manager.

Mr. David Moore, Public Financial Management, informed the Board of the selection process for managers and sub-managers for bond underwriting, and recommended the County proceed to take advantage of current market conditions.

Commissioner Rackleff reiterated Commissioner Grippa's sentiments regarding a minority firm and asked the County Administrator for advice on including a minority firm as the primary bond underwriter in the motion and what ramifications that modification would have on timing.

County Administrator Alam stated that if the motion passes with the modification of Option 2, to have a minority firm as the primary bond, the County would have to go through an RFP process. He explained that the motion would be to hire a minority firm to be the lead bond underwriter and this change would cause delays. Commissioner Rackleff emphasized the importance of expeditiousness.

Commissioner Rackleff moved, duly seconded by Commissioner Grippa and passed unanimously, 6-1 (Commissioner Proctor opposed), to approve Options 1 and 2: 1) Authorize staff to proceed with the

preparation of all necessary documents relating to the advanced refunding of the appropriate portions of the County's 1997, 1998, and 199A Capital Improvement Revenue Bonds and the issuance of \$15 million in new funds; 2) Authorize staff to prepare for the proposed bond sale to be conducted as a negotiated transaction utilizing the County's existing underwriting team lead by A.G. Edwards, and including Jackson Securities, Paine Webber and Citigroup Global Markets, Inc.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 7-0, to direct staff to issue an RFP for a primary minority bond underwriter for the future.

33. Findings and Recommendations of the Compensation Study Conducted for the Leon County Sheriff's Office Sworn Law Enforcement and Sworn Corrections Personnel

This item seeks Board acceptance of the findings and recommendations of a compensation study comparing other law enforcement and correction agencies to the Leon County Sheriff's Office (LCSO) and direct the appropriate funding be included in the FY05/06 Budget.

The minimum increase an LCSO sworn employee, in both law enforcement and corrections, will receive is 4%. However, should the Board elect to fund annual increases for Board employees at a higher rate, the minimum increase for sworn LCSO officers will be adjusted to match this higher rate. The cost of funding this plan will be \$2 million over the course of the next three fiscal years.

County Administrator Alam stated that the Sheriff's officers and correctional officers would receive an increase of anywhere from 4-9%.

Captain Scott Bakotic thanked the Board for its support.

Chairman Thael out of Chambers, Commissioner Proctor assumed Chair.

Commissioner DePuy moved, duly seconded by Commissioner Winchester to approve Option 1: Accept the findings and recommendations of the Compensation Study for the Leon County Sheriff's Office and implement the proposed Three Year Plan (FY06-FY08) developed by staff and approved by the Sheriff.

Chairman Thael entered Chambers, reassumed Chair and the motion carried unanimously, 6-0 (Commissioner Proctor out of Chambers).

34. Approval of Preliminary Policy Guidance for the Development of the FY 05/06 Operating and Capital Budget Including Approval of Line Item Agencies to be Considered for Funding

County Administrator Alam disclosed the five parameters: 1) Address Board retreat priorities as established December 13, 2005; 2) Provide first year funding of a three-year implementation for the Sheriff's Salary study; 3) Direct staff only to request positions in areas of critical need; 4) Continue to review programs for areas of opportunity to provide high levels of service at reduced costs; 5) Include \$610,400 in CHSP (Community Human Services Partnership) funding in the tentative budget for FY05/06, and establish an emergency reserve of \$61,000.

Commissioner Winchester reminded the Board and public that the purpose of this item is to encourage agencies/organizations to submit funding requests at the beginning of the budget process. He requested that Big Brothers, Big Sisters of the Big Bend receive an application for line-item funding.

Commissioner Winchester moved and was duly seconded by Commissioner Grippa to approve Options 1, 2, 3, 4, and 5.

Commissioner Grippa directed staff to remove the Economic Development Council (EDC) from the line-item funding and to include the item in the June budget workshop.

Chairman Thaelle inquired about the EDC and the current budget. Mr. Alan Rosenzweig, Director of OMB, stated that the EDC's current year budget is \$210,000; he believes City's funding is \$175,000. Mr. Rosenzweig clarified that with the approval of Option 3, applications will be sent—money will not be allocated. Commissioner DePuy stated that he would aid the EDC as needed, but in return he would like results in June.

Commissioner Proctor suggested an economic development office run by the County. Commissioner Rackleff responded that economic development is not the County's strength, and it would not behoove the County to develop its own office. He stated that he recognizes the value of a virtual incubator.

Mr. Rosenzweig stated that staff will inform the Board of which entities are receiving money from CHSP and the County in June so the Board can make a comprehensive decision of the allocation of resources.

Commissioner Grippa wanted incentive for businesses. He directed staff to look at other counties and bring back an appropriation on how to

expand existing businesses and the maker of motion, Commissioner Winchester, accepted.

Chairman Thaele asked Commissioner Winchester, maker of the motion, to consider joining the existing partnership of TCC, FAMU, FSU and the City of Tallahassee in the web presence of tallytownmall. The Board entered discussion of Innovation Park and a virtual incubator. The maker of the motion denied the request.

Commissioner DePuy asked the maker of the motion to include a virtual, web-based "mall" for business people, without naming a specific entity and excluding those with a conflict. The maker of motion, Commissioner Winchester, accepted the amendment.

The motion carried unanimously, 7-0, to approve Option 1, Option 2 as amended, Option 3 as amended, Option 4, and Option 5:

Option 1: Direct staff to develop the tentative budget given the following guidance:

- Address Board retreat priorities as established December 13, 2004 (see Attachment #2).
- Provide first year funding of a three-year implementation for the Sheriff's Salary study.
- Direct staff only to request positions in areas of critical need.
- Continue to review programs for areas of opportunity to provide high levels of service at reduced costs.

Option 2 with Amendment: The appropriation of the same amount funded last year, \$671,000, to the CHSP for the regular funding and an additional \$61,000 to continue the emergency fund (Commissioner Rackleff)

1) Direct staff to seek applications for line-item funding from the following agencies:

- Apalachee Regional Planning Council
- Keep Tallahassee/Leon Beautiful
- St. Francis Wildlife Association
- Legal Services of North Florida
- Senior Citizens Foundation
- Tallahassee Trust for Historic Preservation
- DISC Village
- Cultural Resource Commission
- Option 3 with Amendment: The removal of the Economic Development Council from line-item funding and addition to the June budget workshop for Board discussion (Commissioner Grippa)
- Option 3 with Amendment: Big Brothers, Big Sisters of the Big Bend addition to line-item funding application (Commissioner Winchester)
- Option 3 with Amendment: Team Child, Mothers in Crisis addition to line-item funding application (Commissioner Proctor)

- Option 3 with Amendment: to Option 3: Tallahassee Homeless Coalition addition to line-item funding application (Chairman Thael)l
- Option 3 with Amendment: Legal Aid addition to line-item funding application (Commissioner Sauls)
- Inclusion of a virtual, web-based "mall" for business people, without naming a specific entity and excluding those with a conflict (Chairman Thael)l and Commissioner DePuy)

Option 4: Direct staff to include direct funding in the budget for the following events:

- Celebrate America 4th of July Celebration
- Dr. Martin Luther King Celebration
- Celtic Festival

Option 5: Direct staff to send an application for one-time only line-item funding for San Luis Mission.

- Staff was directed to bring back an appropriation on how to expand existing businesses (Commissioner Grippa)

35. Approval of the Avaya, Inc. Solution for Phone and Voice Mail System Replacement

Commissioner Grippa moved, duly seconded by Commissioner Winchester, to approve Options 1 and 2: 1) Approve the award of bid to Avaya, Inc. for County's Phone and Voice Mail System Replacement; 2) Authorize the Chairman to execute an Agreement, consistent with the Statement of Services and proposed Avaya system pricing, in a form approved by the County Attorney's Office.

Commissioner Proctor inquired about the M/WBE participation with Avaya. Ms. Pat Curtis, MIS Director, responded that Avaya is a manufacturer of the phone system and the M/WBE office does not assign any aspiration goals to manufacturers; there is no M/WBE participation since phone and voice system replacement comes directly from the manufacturer.

Commissioner Proctor directed staff to report on whether a breach of minority representation has occurred with 9-1-1 system vendor.

Commissioner Winchester moved to call the question.

The motion carried unanimously, 7-0.

The Board recessed at 5:00 and commenced public hearings at 6:00 p.m.

36. Consideration of the Voluntary Annexation of Property Located at 2902 Whirlaway Trail

This item asks for Board consideration of the proposed voluntary annexation petition by the owner of one residential parcel located at 2902 Whirlaway Trail.

Commissioner Grippa moved, seconded by Commissioner Winchester, to approve Option 1: Do not object to the City voluntary annexation of the property located at 2902 Whirlaway Trail.

Commissioner Winchester requested staff obtain a copy of Secretary Cohen's presentation to CRTPA and stated that perhaps the County should evaluate fiscal impacts of annexations and consider regionalism.

Commissioner Proctor requested that the name of the property owner be included in Voluntary Annexation agenda item.

Commissioner Grippa moved, duly seconded by Commissioner Sauls and carried unanimously, 7-0, to approve Option 1: Do not object to the City voluntary annexation of the property located at 2902 Whirlaway Trail.

37. Consideration of the Voluntary Annexation of Clifford Hill Road Properties

Commissioner Grippa moved, duly seconded by Commissioner Winchester, to approve Option 1: Do not object to the City annexation of the properties on and near Clifford Hill Road.

Mr. David McDevitt, GEM, explained that the 5.7-acre land is proposed for 45 units that would be divided into quadraplexes.

Commissioner Proctor stated that he has not heard from the Neighborhood Association or members of the community, and cannot support a motion where the community members may be unaware of the 45-unit development.

Commissioner Proctor moved a substitute motion to deny the annexation proposal. The motion failed for lack of a second.

Commissioner DePuy asked whether the people adjacent to the property that is being annexed have been contacted by mail. Mr. McDevitt responded that the City has contacted the residents.

Commissioner DePuy directed staff to include any correspondence from the City in agenda item, assuring that the adjacent property owners are notified.

Commissioner Grippa asked whether the annexation affects zoning. Mr. McDevitt explained that the zoning does not change; the extension of

sewer service and potential access to Capital Circle is gained in the annexation.

The motion carried, 6-1 (Commissioner Proctor opposed).

38. Approval of Contract Extension with McGlynn Laboratories, Inc. for the Woodville Recharge Basin Aquifer Protection Study

The Agreement with McGlynn Laboratories, Inc. for the Woodville Recharge Basin Aquifer Protection Study was approved by the Board on February 18, 2003, with an expiration date of November 1, 2004 (Attachment #2). The notice to Commence Work was sent to McGlynn Labs on March 26, 2003.

The total value of the U.S. Environmental Protection Agency (EPA) grant to perform the Woodville Recharge Basin Aquifer Protection Study was \$299,300. McGlynn Labs was awarded a \$259,500 Agreement to perform the Study, and \$39,800 of the total grant funds were reserved for direct payment to County Geographic Information System (GIS) for services on the project and for contingencies that might develop during the course of the project.

Commissioner Winchester moved, duly seconded by Commissioner Proctor, to approve Option 1: Approve the Agreement Extension with McGlynn Laboratories, Inc. for the Woodville Recharge Basin Aquifer Protection Study to September 30, 2006.

The Board entered lengthy discussion.

The following concerns were voiced regarding the City's Tram Road Sprayfield:

- Sprayfield capacity
- Sprayfield capacity and ability to handle Welaunee Plantation Development
- Leon County's responsibility not to pollute other Counties' water
- Effect of absorption, due to geology, on the aquifer and water resources (particularly to the South)
- Direction of groundwater flow toward Wakulla Springs
- The definition of "good cause" to intervene with permitting
- Septic systems and sprayfield effluent
- Plume coming from the sprayfield

Dr. Sean McGlynn, McGlynn Laboratories, stated that the final product will: complete experimental studies, create a grid of wells across the basin south of the sprayfield (United States Geological Survey will install 8, McGlynn will install at least 3, or as many needed to look at the effluent

plume), conduct dye studies to trace elevated nitrates in the direction of Wakulla Springs, gain knowledge of where the plume is, give a GIS model encompassing all the loadings (i.e. septic tanks, sprayfields, increased capacities, and predict future ground water quality).

Dr. McGlynn disclosed the following significant findings thus far: the effluent is deeper than originally thought, the water flows toward Wakulla Springs, a surface water flow that is not indicated in current basin boundaries flows across Tram Rd. and across the sprayfield buffer to St. Marks, and the sprayfield could be elevating nitrates in Wakulla Springs.

Chairman Thaeli inquired about the issue of permitting prior to the completion of the study and wanted to know if sufficient evidence of pollution is discovered, whether the County has the authority to intervene with the five-year permit. Mr. John Kraynak, GEM, responded that although the permitting will be completed prior to the conclusion of the study, under 62-620 or the "good cause" provision, the permit could be challenged. County Attorney Thiele verified that it is likely that the evidence gathered in the study would be considered legally admissible, even though the study is not complete.

Dr. McGlynn stated that DEP has not granted the permit for the sprayfield and they are looking at the permit—the sprayfield has been operating on continuous extensions of the old permit. Dr. McGlynn also stated that the permit is open to modification.

In response to inquiries regarding septic systems, Mr. Kraynak responded that septic and sewage are being addressed in phase two. He stated that Septic system analysis will be done by McGlynn Labs working in concert with the USGS on installation of deep wells to track the plume coming from the sprayfield.

Commissioner Proctor asked if the 150-ft. depth of the plume is considered safe in regards to the water people use. Mr. Kraynak responded that the DEP regulates the water by drinking water standards and so far the data indicates that it is safe.

Dr. McGlynn emphasized the necessity of a regional solution for removing effluent from the basin by means of installing a sewer system. He stated that the most logical solution would be a sprayfield out of the basin, where the soils are protected and the aquifer is not unconfined.

County Administrator Alam asked whether DEP could ask the City to install the wells. Dr. McGlynn responded that the DEP could. Mr. Tom Ballentine, GEM, stated that he conversed with DEP last week and DEP stated that the permit package from the City of Tallahassee was complete.

and a notice of intent to issue that permit would be issued the first week of March.

Chairman Thael stated that the County should recognize the cooperation that the City is investing in trying to come up with the determination.

Commissioner Proctor asked if the grant is federally funded. Dr. McGlynn stated that it was. Commissioner Proctor asked the Board to recognize that Congressman Boyd secured the funding for this study, recognizing the need for a central sewer system for the southern region of Leon County. Commissioner Proctor stated that it was Congressman Boyd's intent to create a study showing how the aquifer could and would be protected by a central sewer. He stated that this project fuels a prospective federal legislation.

Commissioner Rackleff stated that Wakulla is a state facility and he hopes they are actively involved in the permitting process. He asked whether one part of a department could intervene against another part of the department. County Attorney Thiele said that one part of a department could not intervene against another part. Chairman Thael asked whether the secretary of the department could overrule against one division of the department. County Attorney Thiele answered that that decision is up to the Secretary.

The motion carried unanimously, 7-0.

39. Approval of Contract Extension with Environmental Research and Design, Inc. for the Lake Lafayette Watershed Study

Commissioner Winchester moved to approve Options 1 and 2: 1) Approve an Agreement extension with Environmental Research and Design, Inc. for the lake Lafayette Watershed Study to December 1, 2005; 2) Approve an amount of \$5,000 in liquidated damages to be charged against the Agreement extension.

Commissioner Grippa voiced concern over the amount of money the County would be relinquishing in liquidated damages for Environmental Research and Design, Inc. (EDC). Mr. John Kraynak, GEM, stated that the total of liquidated damages was around \$150,000, which is equal to the remaining portion left on the contract.

County Administrator Alam clarified that the setback will hurt the federal taxpayers, not the County taxpayers.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor, not to waive the liquidation damages and the report is due July 31, 2005.

Mr. Kraynak introduced Dr. Harper, the consultant, stating that Dr. Harper has done a significant amount of work and the project is approximately 6 months from completion. Mr. Kraynak explained that Dr. Harper submitted a letter outlining the extenuating circumstances resulting in the delay.

Dr. Harper stated that one extenuating circumstance was a one-month setback in commencing the project and monitoring for a 14-month period rather than the 12-month period agreed upon—at no additional cost to the County. He stated that they also analyzed over 100 additional stormwater and baseflow samples at their own cost. Dr. Harper stated that the second extenuating circumstance was that the laboratory sub-consultant, McGlynn Laboratories, delayed processing data that Dr. Harper has been waiting on for over one year.

County Attorney Theile suggested that the Board demand that the document be produced by the July 31st date and defer the question of any waiver of liquidated damages until that time.

Commissioner Winchester stated that all contract deadlines have passed.

Mr. Kraynak, GEM, explained that Mr. Tom Ballentine, GEM, is working closely with ERD and although the extension was not requested in time, the work on the project is valuable and they recommend moving forward.

County Attorney Thiele recommended that no further progress payments be made and the Board takes into consideration the progress of the report when the project is due and decide at that time.

Commissioner Winchester withdrew original motion.

Commissioner Rackleff moved a substitute motion not to waive the liquidated damages unless the final report is delivered by July 31, 2005, in which case the liquidated damages would be waived.

Commissioner Proctor assumed the Chair and Commissioner Thael seconded the motion.

The Board pointed out that the contract deadline passed two years ago, the ERD is committed to completing the project regardless of whether the liquidation damages are waived, and the importance of setting a precedent.

Commissioner Rackleff emphasized the importance of completing the study and noted that at this point, it would be more expensive to start over.

Commissioner Winchester asked Dr. Harper whether, in the event the motion passes, Dr. Harper intends to complete the study. Dr. Harper confirmed that even if the motion passes, he would complete the study.

County Administrator Alam explained that if the Board receives an acceptable product by July 31, 2005, the Board would then decide whether to waive the liquidated damages. He stated that if the Board does not receive the product or it is unsatisfactory, the Board would have to decide on action at that time.

Commissioner Grippa clarified that the motion is not to waive the liquidated damages and the report is due July 31, 2005.

The motion carried, 6-1 (Commissioner Rackleff opposed).

40. Consideration of Counteroffer for 2030 Harriet Drive as Part of the Harbinwood Estates Drainage Improvements Project

This item seeks Board direction on the counteroffer made by Deborah M. Benton, in the amount of \$165,000 for the sale of property located at 2030 Harriet Drive (Attachment #1), as part of the Harbinwood Estates Drainage Improvements Project.

Commissioner Winchester stated that the Counteroffer of \$165,000 would be less expensive than contesting the issue.

Commissioner Winchester moved, seconded by Commissioner DePuy and carried unanimously, 6-0 (Commissioner Proctor was out of Chambers) to approve Option 1: Accept Counteroffer in the amount of \$165,000 for property located at 2030 Harriet Drive, as part of the Harbinwood Estates Drainage Improvements Project.

Scheduled Public Hearings, 6 p.m.

41. Second and Final Public Hearing to Adopt an Ordinance to Delete "Amusement Parks" as a Permitted Use in the Urban Fringe Zoning District

Pursuant to legal advertisement, the Board conducted the second and final public hearing.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried, 6-0 (Commissioner Proctor was out of Chambers), to

approve Option 1: Conduct the second and final public hearing and adopt the attached Leon County Ordinance Number 05-06 to delete "amusement parks" as a permitted use from the Urban Fringe Zoning District."

42. First and Only Public Hearing on Proposed Revisions to Leon County Ordinance No. 03-37, "Temporary Uses"

Pursuant to legal advertisement, the Board conducted the first and only public hearing.

Commissioner DePuy moved, seconded by Commissioner Winchester, to approve Option 1: Conduct the first of two public hearings on proposed revisions to Leon County Ordinance Number 03-37, "Temporary Uses" and authorize staff to schedule the adoption hearing on Tuesday, March 22, 2005 at 6:00 p.m.

The Board entered discussion regarding permit exemptions for community and historical events and events where there is no need for County services.

Becky Subrahmanyam, 1257 Cornerstone Lane, presented the Board with materials recommending revisions for the "Temporary Use" Ordinance and exemplifying problems with the current County Ordinance.

The Board directed staff to bring back modifications to the permit regulations in April. The Board also directed staff to contact representatives from the Sheriff's Office, Fire Department, and County Emergency Medical Services to request that they attend the second public hearing.

County Attorney Thiele stated that regulatory issues and the historical progression of the Ordinance would come back before the Board in April or May. He also stated that the primary purpose of this ordinance is to provide the enforcement mechanism.

Commissioner Rackleff voiced concern over being too restrictive and asked if the Ordinance would apply to the National Forest. County Attorney Thiele responded that the County ordinances apply to the National Forest provided there is not a federal regulation that preempts the County.

The motion carried unanimously, 7-0.

The Board entered discussion of item #36.

43. Acceptance of One Conservation Easement from Wondergem, Inc.

This item was added to the agenda and taken-up under Consent.

The Board approved Option 1: Approve and accept for recording one conservation easement from Wondergem, Inc.

44. Travel Request for Commissioner Grippa and Commission Aide to attend the NACO Legislative Conference in Washington, D.C., March 4-8, 2005.

This item was added to the agenda and taken-up under Consent.

Commissioner Grippa stated that he would reimburse the difference in cost, in accordance with State law, since he is leaving from Orlando rather than Tallahassee to the NACO Conference.

The Board approved Option 1: Approve travel expenses.

Commissioner Sauls

- a. Requested a Resolution for John Jordan who is retiring from the Code Enforcement after 7 years.
- b. Requested a Resolution for Jeff Shaara, guest author at the Friends of the Library's Authors Dinner on March 5, 2005.
- c. Appointed replacement Rick Malphurs to the Septic System Advisory Committee, replacing Fred Malphurs.
- d. Announced that the Tallahassee Museum's Pioneer Breakfast is on March 19, 2005 from 7:00 -11:00 a.m. and tickets may be purchased from her.
- e. Announced that Tallahassee Ballet is having a Dance Chance held on March 16, 2005 from 4:00 to 5:00 p.m. at Ruediger Elementary School and Commissioners are invited to attend.

Commissioner DePuy

- a. Requested retroactive approval of a Resolution recognizing Women in Construction.
- b. Requested a Resolution commending the organizers of Capital City Chili Cook-off on their efforts to raise funds for the Dick Howser Center.

Commissioner Rackleff

- a. Requested a Presentation for the Center for Advanced Power Systems regarding a \$5 million grant to be used, among other things, to improve electric transmission lines. This item will be placed on the March 22, 2005 Regular Meeting agenda.

- b. Requested a Presentation by the County's Cooperative Extension office on the results of "Walking Through Florida" project to be placed on the March 22, 2005 Regular Meeting agenda.
- c. Announced a project being executed by the Downtown Improvement Authority with the assistance of the County's Veteran's Office and MIS. The Black Cat Café storefront, owned by Rusty Price, will display individual photos of GI's who are serving or have served in Iraq. There will be a grand opening in 2-3 weeks.

Commissioner Proctor

- a. Request for Board approval to travel to NACO Legislative Conference in Washington, D.C.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7-0, to waive the rules to take up this item.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7-0, to approve Option 1: Approve travel expenses.

- b. Referenced a letter from Bond Community Health Center, Inc. regarding the \$1 million dollars allocated that was contingent upon the completion of the MGT study, which has been done, and requested that the money be disbursed. He requested that this item be agendaed.

County Administrator Alam stated that Primary Health Care Advisory Board (PHAB) will meet on March 1, 2005 with its subcommittee to discuss the MGT study. They will bring an agenda item with recommendations for implementation at the March 22, 2005 Regular Meeting.

Commissioner Grippa

- a. Requested staff to provide a report on fiber optic lines along new road easements to expand broadband for high-speed Internet service.

Commissioner Rackleff stated that the City is looking at the digital canopy—beginning downtown and moving outward.

- b. Requested a Resolution for Animal Control Week.

- c. Commissioner Grippa moved, seconded by Commissioner DePuy and carried unanimously, 7-0, to agenda the item on Growth Tax to make decision on County's position. He stated that he is opposed to Growth Tax and would like that to be the County's position.
- d. Commissioner Grippa asked if the Board has the ability to pass an Ordinance prohibiting vendors from giving money to County Commissioners.

Commissioner Grippa directed staff to provide the Board with information regarding election/campaign reform and vendor contributions.

Commissioner Winchester

- a. Requested Dr. Sean McGlynn and/or Northwest Florida Water Management District to determine why there is a foul odor and an unusual amount of slime on the surface of McGinnis Arm.

Chairman Thael

- a. Announced that the 2005 Northwest Florida Legislative Day is February 23, 2005 at the Capitol from 11:00 a.m. -1:30 p.m.
- b. Requested a presentation by the Florida Wild Mammals Association be agendaed.

There being no further business to come before the Board, Commissioner Grippa moved and was duly seconded by Commissioner Proctor to adjourn the meeting at 8:20 p.m.

APPROVED: _____
Cliff Thael
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court